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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,612	09/16/1999	DONALD J. HEJNA JR.	TSM-SC-CIP	1308

7590 05/22/2002

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EXAMINER
ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/398,612	HEJNA, DONALD	
	Examiner	Art Unit	
	Angela A. Armstrong	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

In response to the Office Action mailed October 3, 2001, applicant has amended claims 5-6 and 8. However, the amendment to claim 6 as provide on page 2 of the response does not coincide with the recitation of claim 6 provided within the version with markings to show changes made on page 14. Applicant is respectfully requested to identify which version of claim 6 is the correct amendment.

The amendment received by the Office did not include page 9. Applicant is respectfully requested to provide the missing page.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard et al (US Patent No. 5,924,068).

2. Regarding claims 8 and 9, Richard et al teach an electronic news receiving device that receives text data for an electronic edition of a newspaper and allows the user to determine which articles are read and vary the rate at which the articles are read. The device of Richard et al implements

Accessing and retrieving an electronic newspaper at a particular time at col. 8, lines 4-27

Obtaining a user specified presentation rate and altering the presentation rate of the retrieved articles at the Abstract and col. 19, lines 9-12

Retrieving and presenting several user specified articles at col. 9, line 63 continuing to col. 10, line 2.

Richard et al teaches that the rate at which the articles are read may be varied (Abstract), which reads on "altering a presentation rate of a media work to create an altered work."

Richard et al provides for several sections to be stored and read out, thus varying the rate at which articles are read from several sections, reads on "concatenating several altered media works to form a concatenated media work.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard et al in view of Oikawa et al (US Patent No. 5,396,577).

4. Regarding claims 1-4, 7, and 10-13, Richard et al teach

Presenting the retrieved electronic newspaper at col. 9, line 63 – col. 10, line 14

Obtaining user input regarding presentation rate at col. 19, lines 9-12

Keyword searches at col. 15, line 36 continuing to col. 16, line 10, which reads on "detecting content in portions of the media work."

Determining duration information based on segments of the retrieved information at col. 14, lines 36-45

Richard et al do not specifically teach correlating the keywords for retrieving articles to a specific rate at which the text-to-speech converter presents the information. Refer to Oikawa et al who teach a speech synthesis apparatus for rapid speed-reading, which implements

assigning playback rates to segments based on categorizations of a determined degree of importance for the text at col. 3, line 37 – col. 5, line 4

generating synthetic speech based on the assigned playback rates and allows for the omission of speech for segments in which an indication of a slow playing rate was identified at col. 5, lines 28-37.

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the system of Richard and implement associating playback rates based on specific categories as taught by Oikawa et al, for the purpose of ensuring that a user's preference for playback rates for a specific category of newspaper article is always maintained.

Regarding claims 5 and 6,

Presenting the retrieved electronic newspaper at col. 9, line 63 – col. 10, line 14

Obtaining user input regarding presentation rate at col. 19, lines 9-12

Keyword searches at col. 15, line 36 continuing to col. 16, line 10, which reads on "detecting content in portions of the media work."

Richard et al teaches using the keyword searches to determine if an article is saved for reading or not for reading and that the saved articles are read and after a current section is read, the next article or section is automatically read, which reads on "associating a presentation order with the detected content."

Richard et al do not specifically teach the reordering of the portions. However, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Richard et al to implement reordering of the portions, for the purpose of allowing the user to hear the most desired portions first (i.e. weather before sports).

Determining duration information based on segments of the retrieved information at col. 14, lines 36-45

Richard et al do not specifically teach correlating the keywords for retrieving articles to a specific rate at which the text-to-speech converter presents the information. Refer to Oikawa et al who teach a speech synthesis apparatus for rapid speed-reading, which implements

assigning playback rates to segments based on categorizations of a determined degree of importance for the text at col. 3, line 37 – col. 5, line 4

generating synthetic speech based on the assigned playback rates and allows for the omission of speech for segments in which an indication of a slow playing rate was identified at col. 5, lines 28-37.

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the system of Richard and implement associating playback rates based on specific categories as taught by Oikawa et al, for the purpose of ensuring that a user's preference for playback rates for a specific category of newspaper article is always maintained.

Response to Arguments

5. Applicant's arguments filed February 20, 2002, with respect to claims 1-4, 7, and 10-13 have been fully considered but they are not persuasive.

6. Regarding claims 1, 2, and 7, applicant argues that neither Richard et al nor Oikawa et al teach, hint or suggest correlating content or properties of portions of media the media work with presentation rates input by the user.

Regarding claims 12 and 13, applicant argues that neither Richard et al nor Oikawa et al teach, hint or suggest determining duration of an altered media work.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding claims 10 and 11, applicant argues that Richard et al and Oikawa et al are different from claims 11 and 12 which require detecting properties in a portion of a media work, and associating a presentation rate of the portion with the detected properties and argues that the specification sets forth that the term properties relates to information that is obtained from a media work other than content. Examiner argues that claim 12 does not cite the limitation to which applicant refers and argues. With respect to claims 10 and 11, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., properties relates to information that is obtained from a media work other than content) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Oikawa teaches that implementation of the importance of degree information with the designated synthesizing speed information, facilitates the rapid reading process and the search process (col. 2, lines 36-54).

8. Applicant argues that the prior art made of record an not relied upon in which the Examiner considered to be pertinent to applicant's disclosure (Cragun, US Patent No. 5,859,662) is not relevant. The Examiner disagrees and argues that Cragun relates to an apparatus and method for selectively viewing video information by detecting contents of the information, increases the ability to find and view desired information and allows for the editing or altering of the video information.

9. Applicant's arguments with respect to claims 5-6 and 8-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

AAA
May 19, 2002

Richemond Dorvil
Primary Examiner